

REMARKS

Claims 25-45 remain pending. In the present Office Action, claims 38 and 44 were rejected under 35 U.S.C. § 112, first paragraph. Claims 25-35, 39-41, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache et al., U.S. Patent No. 6,243,825 ("Gamache") in view of Aiken, Jr. et al., U.S. Patent No. 6,430,622 ("Aiken"). Claims 36 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache in view of Aiken and Yu et al., U.S. Patent No. 5,734,865 ("Yu"). Claims 37 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache in view of Aiken, Yu, and Primak et al., U.S. Patent No. 6,389,448 ("Primak"). Claims 38 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gamache in view of Aiken, Yu, and alleged Applicants Admitted Prior Art ("AAPA"). Applicants respectfully traverse these rejections and request reconsideration.

Section 103(a) Rejection

Applicants respectfully submit that each of claims 25-45 recite combinations of features not taught or suggested in the cited art. For example, claim 25 recites a combination of features including: "the first process registering the virtual IP address and the virtual hostname with a software module interposed between the first application and an operating system;... and the at least one second process inheriting the virtual IP address and the virtual hostname from the first process".

The Office Action alleges that the first process is taught by the resource monitor in Gamache. Then, with respect to "the first process registering the virtual IP address and the virtual hostname with a software module interposed between the first application and an operating system", the Office Action cites Figure 8 of Gamache and col. 6, lines 33-40 and col. 12, lines 9-36. However, col. 6, lines 33-40 is a broad discussion of the operation of the failover manager 87 receiving resource and system state information from the resource monitor 90 and the node manager 72 to make decisions about which systems should own which groups. This discussion has nothing to do with "the first process registering the virtual IP address and the virtual hostname with a software

module interposed between the first application and an operating system", even if one assumes that the resource monitor corresponds to the first process as asserted in the Office Action. Col. 12, lines 9-36 describes the computer name resource registering the computer identity (hostname and IP address) with one or more Internet Name Services such as DNS or WINS. However, these services are external to the system (see, e.g., Fig. 8) and thus are not "a software module interposed between the first application and an operating system". Furthermore, registering the NetBIOS device and computer name with the SMB server is discussed in the cited section, as well as the NetBIOS binding the IP address to a NetBIOS device. However, there is no teaching or suggestion that the SMB server or the NetBIOS is "a software module interposed between the first application and an operating system", either. For at least these reasons, Applicants respectfully submit that "the first process registering the virtual IP address and the virtual hostname with a software module interposed between the first application and an operating system" is not taught or suggested in the cited art.

With regard to "the at least one second process inheriting the virtual IP address and the virtual hostname from the first process", the Office Action cites col. 11, lines 56-62 and col. 12, lines 13-36 of Gamache. However, col. 11, lines 56-62 discusses inheritance of the environment by child processes of the application. This has nothing to do with the application processes inheriting the IP address and hostname from the resource monitor (which is alleged to be the first process in the Office Action). Col. 12, lines 13-36 describes the resource monitor bringing resources online in dependency order. However, nothing in this description teaches "the at least one second process inheriting the virtual IP address and the virtual hostname from the first process".

Rather than inheritance, Gamache teaches that the resource manager 90 inserts an environment variable into the application's process environment block to associate the application's virtual hostname with the application. See, e.g., Gamache col. 10, lines 30-39.

The Office Action relies on Aiken to allegedly teach a virtual IP address. Applicants respectfully submit that Aiken does not teach or suggest the above highlighted features of claim 25 either, and thus that the combination of Aiken and Gamache does not teach or suggest the above highlighted features. Accordingly, Applicants respectfully submit that claim 25 is patentable over the cited art for at least the above stated reasons. Claims 26-38, being dependent from claim 25, are similarly patentable over the cited art for at least the above stated reasons as well. Each of claims 26-38 recite additional combinations of features not taught or suggested in the cited art.

For example, claim 26 recites a combination of features including: "the first process using a first application identifier in the registering, and the inheriting comprising receiving the first application identifier from the first process". Claim 26 depends from claim 25, which recites, e.g. "registering the virtual IP address and the virtual hostname". Thus, it is clear that the first application identifier is separate from the virtual IP address and virtual hostname. The Office Action alleges that the first application identifier is taught by Gamache's computer identity, which is the name and IP address pair (see Office Action, page 4, item 7). Applicant respectfully disagrees. The first application identifier is recited separate from the virtual IP address and the virtual hostname. Accordingly, the computer identity (name and IP address pair) does not teach or suggest a first application identifier used in addition to the virtual hostname and IP address, as recited in claim 26.

Other claims 27-38 recite additional combinations of features not taught or suggested in the cited art. Given the patentability of claim 25, as highlighted above, additional remarks regarding such additional combinations are deemed to be unnecessary at this time. **However, Applicants reserve the right to present such remarks on appeal.**

Claim 39 recites a combination of features including: "register a unique virtual IP address and a virtual hostname assigned to a first application with a software module interposed between the first application and an operating system; and initiate at least one of one or more second processes of the first application, wherein the at least one second

process inherits the virtual IP address and the virtual hostname from the first process".

The same teachings of Gamache and Aiken highlighted above with regard to claim 25 are alleged to teach the above features of claim 39. Applicants respectfully submit that Gamache and Aiken do not teach or suggest the above highlighted features of claim 39 either. Accordingly, Applicants respectfully submit that claim 39 is patentable over the cited art for at least the above stated reasons. Claims 40-45, being dependent from claim 39, are similarly patentable over the cited art for at least the above stated reasons as well. Each of claims 40-45 recite additional combinations of features not taught or suggested in the cited art.

For example, claim 40 recites a combination of features including: "wherein the first process uses a first application identifier in registering the virtual IP address and the virtual hostname, and the inheriting comprises receiving the first application identifier from the first process". Claim 40 depends from claim 39, which recites, e.g. "register a unique virtual IP address and a virtual hostname". Thus, it is clear that the first application identifier is separate from the virtual IP address and virtual hostname. The Office Action alleges that the first application identifier is taught by Gamache's computer identity, which is the name and IP address pair (see Office Action, page 4, item 7). Applicant respectfully disagrees. The first application identifier is recited in addition to the virtual IP address and the virtual hostname. Accordingly, the computer identity (name and IP address pair) does not teach or suggest a first application identifier used in addition to the virtual hostname and IP address, as recited in claim 40.

Other claims 41-45 recite additional combinations of features not taught or suggested in the cited art. Given the patentability of claim 39, as highlighted above, additional remarks regarding such additional combinations are deemed to be unnecessary at this time. **However, Applicants reserve the right to present such remarks on appeal.**

Section 112 Rejection

The Office Action rejected claims 38 and 44 for lacking written description for the loopback address. The rejection notes that there is description of associating IP addresses with a loopback interface but does not specifically refer to a loopback address. However, it is inherent that the loopback interface is addressed using the loopback address, as defined in the IP address space as part of the local address range. Since the loopback address (specifically, 127.0.0.1) is inherent in the loopback interface, Applicants respectfully submit that one skilled in the IP arts would know that the inventors were in possession of the invention claimed in claims 38 and 44. See MPEP 2163(I)(B)(second paragraph): "newly added claims limitations must be supported in the specification through express, implicit, or inherent disclosure". Accordingly, Applicants respectfully request that the rejection be rescinded.

CONCLUSION

Applicants submit that the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-22700/LJM.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$
for fees ().
- ☐ Other:

Respectfully submitted,



Lawrence J. Merkel

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